

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

This matter is before the Court on the Motion To Withdraw [Doc. 11] filed by Ann T. Shafer, retained counsel of record for the defendant. Attorney Shafer asserts that she is unable to continue in her representation of the defendant, because the defendant has not returned her phone calls, and her attempts to contact him to discuss the case have been unsuccessful [Doc. 11].

The trial of this case was scheduled for March 9, 2006 [Doc. 9]. The defendant did not appear. An Order for a fugitive arrest warrant has been entered [Doc. 10].

The Court finds that Attorney Shafer should remain counsel of record for the defendant until such time as he is in custody, and the Court can conduct a hearing. Therefore, the Motion To Withdraw [Doc. 11] is **DENIED**, but Attorney Shafer has leave to refile the Motion when the defendant is in custody.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge